

# Wetlands Change and Redesign

## *Better Protection of Wetlands in Massachusetts*



# Wetland Change Project

Finding out how much change we have

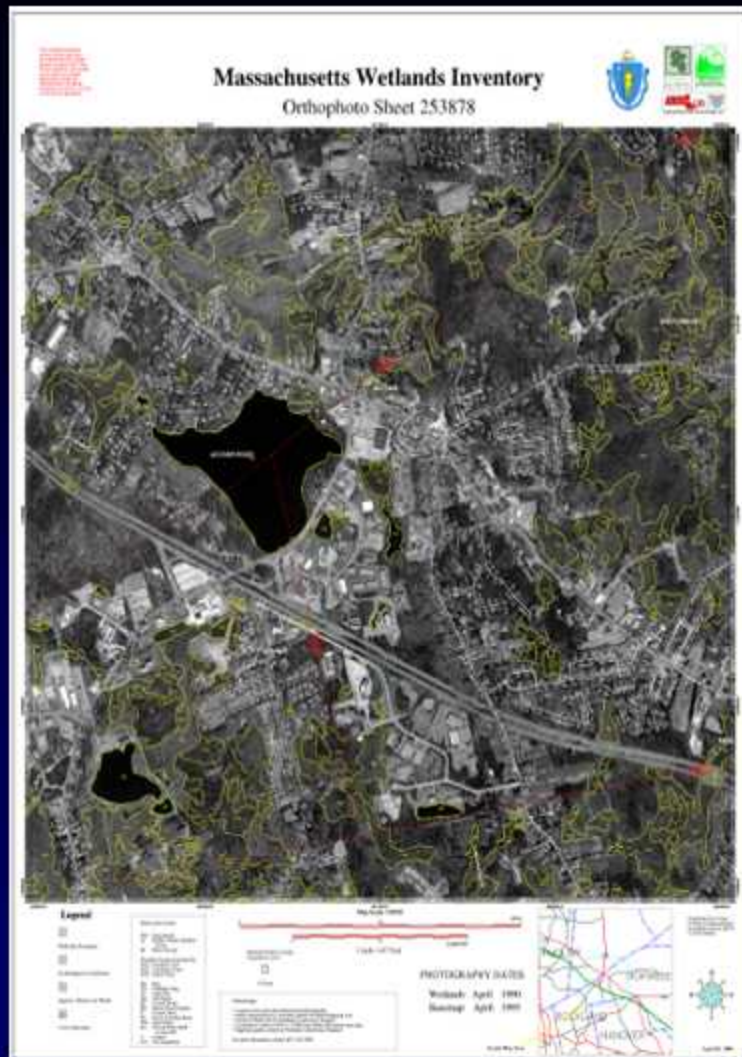


1995 Base Map with Changed Wetlands in Red



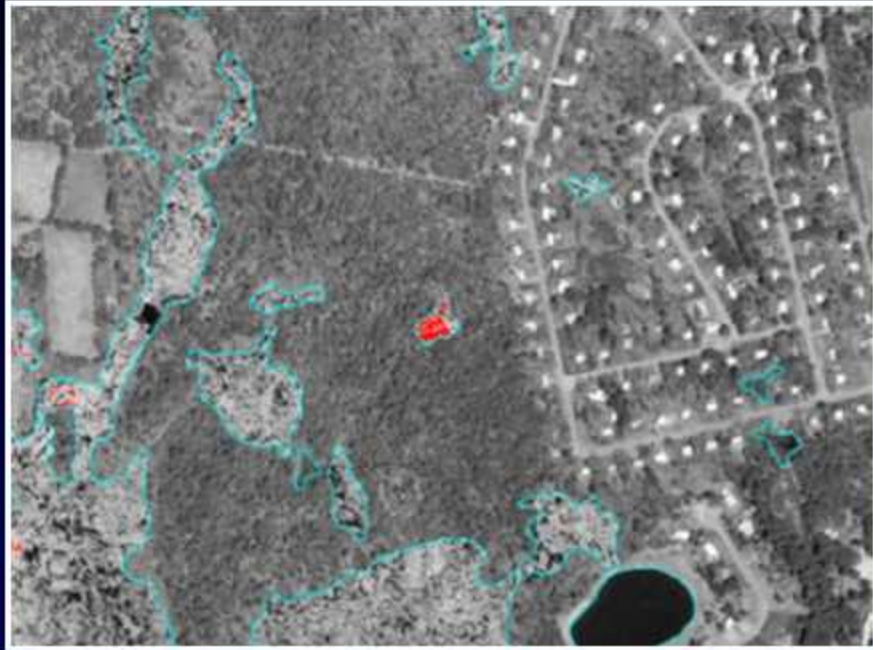
Residential Development and New Road  
Activity Destroyed Mixed Wooded Swamp.  
1.3 Acres





DEP has been mapping the state's wetlands for the the past 10 years. 80% of the state is completed and the entire state will be completed within 2 years.

DEP Wetlands Map

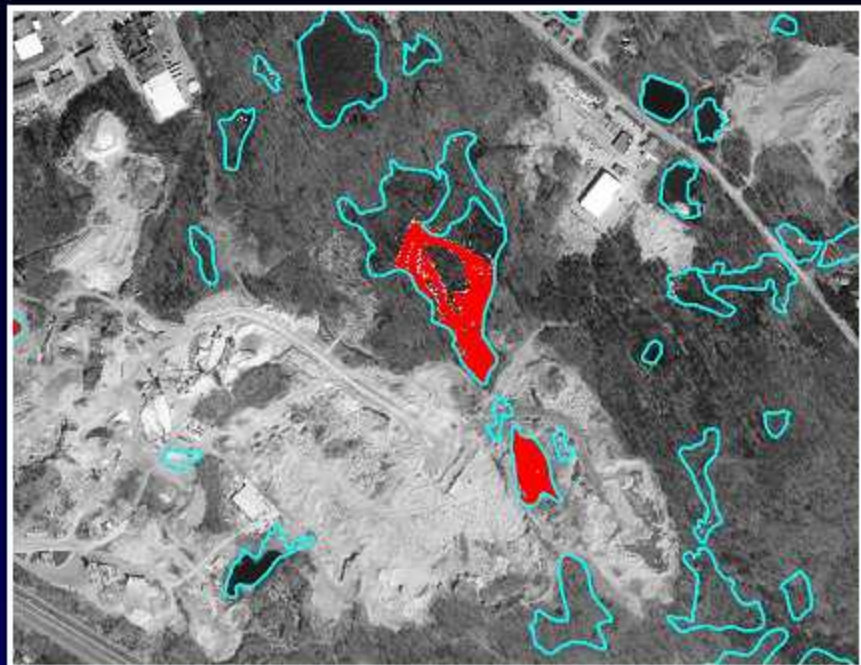


1995 Base Map with Changed Wetlands in Red



Residential Construction Destroyed Hardwood Swamp. 0.6 acres

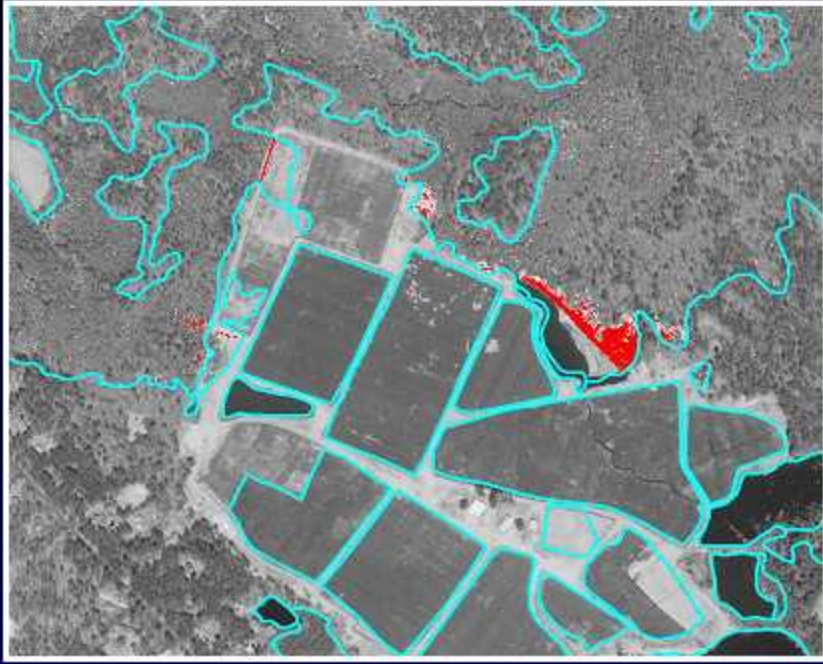




1995 Base Map with Changed Wetlands in Red



Gravel Operation Clear-cut Hardwood Swamp.  
3 Acres



1995 Base Map with Changed Wetlands in Red



Cranberry Bog Expansion into Hardwood Swamp.  
2.5 Acres



# What is data so far?

Based on analysis for eastern part of state, we found 760 acres of wetland change between 1991-3 and 2001.

# What are the biggest changes?

- » Cranberry bogs
- » Residential development
- » Commercial development
- » Gravel operations

are the four largest categories, accounting for 519 acres of change, or 68% of change measured to date.



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# What does the data on wetlands change tell us?

- Don't have complete data yet, but already clear that wetlands change unacceptably high
  - Unpermitted alterations likely significant ~>50%
  - Replication not replacing type or amount of wetlands lost
  - Restoration limited
  - Need to do a better job preventing losses, especially before development pressure hits
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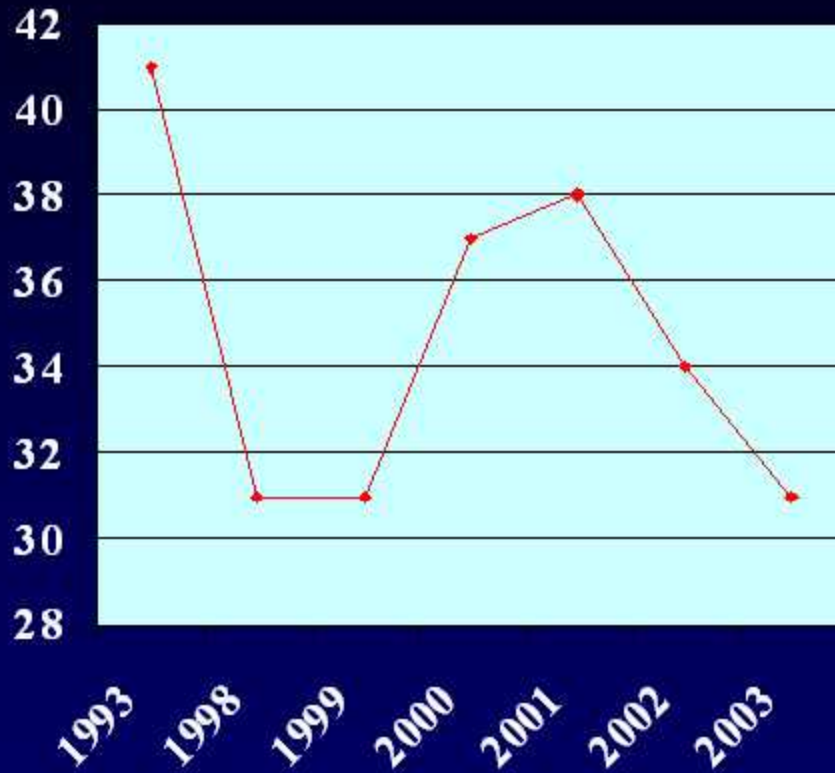
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**How can we do this new work with  
existing (shrinking) resources?**

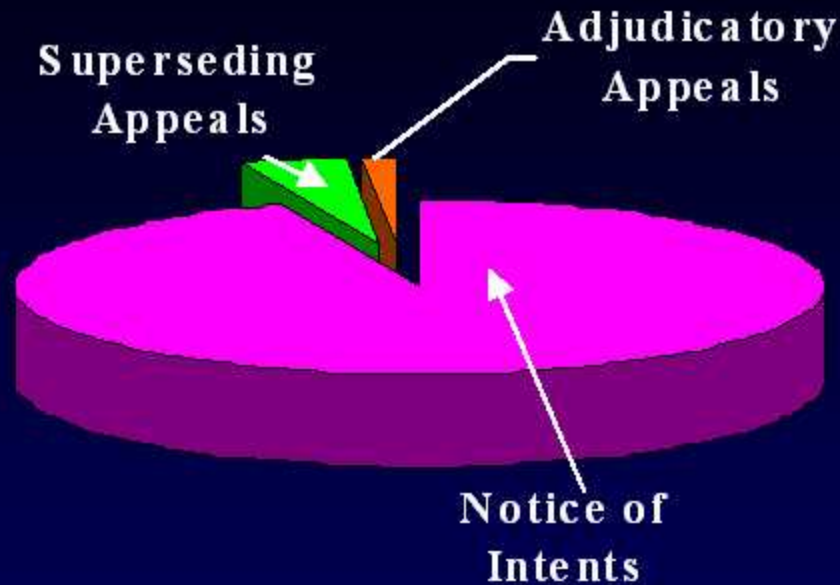
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# DEP wetland staff (FTE)



# Annual permit applications & appeals\*

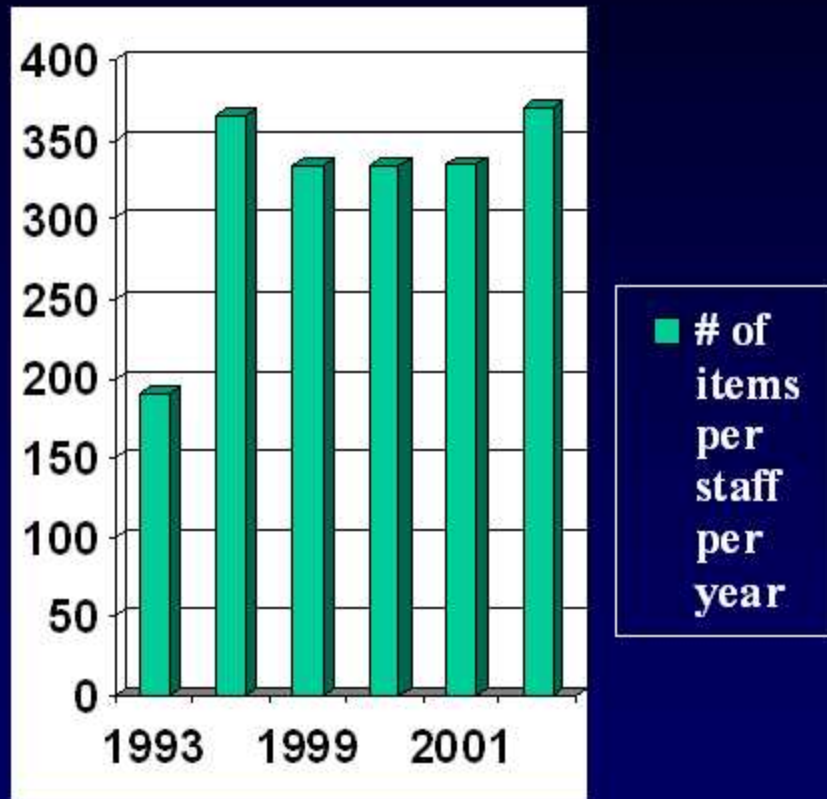


*\*Data represents  
annual average for  
(1999-2001)*

Notice of Intents	8,485
Superseding Appeals	395
Adjudicatory Appeals	116



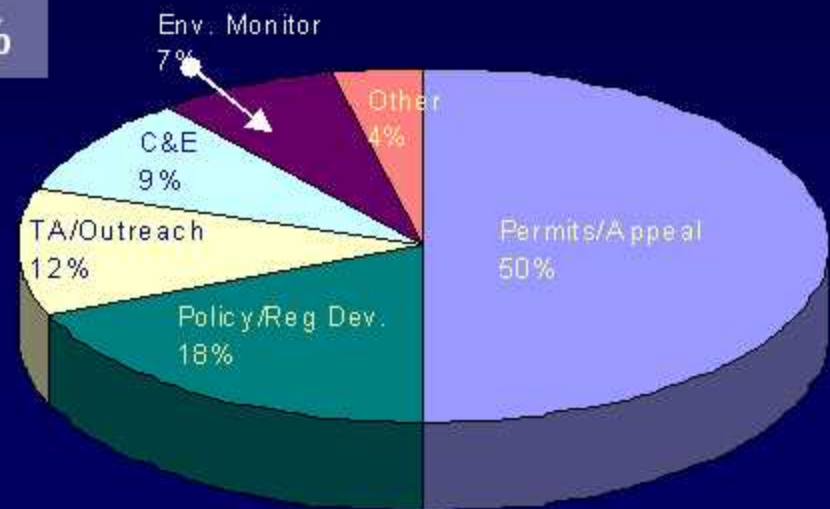
# Number of permitting items per staff person per year



- Number represents total numbers of NOIs, SOC's, 401 Decisions, SDAs, Adj Appeals per year divided by permitting staff (does not include policy, mapping or circuit riders)
- 1993 total does not include SDAs
- In addition to increasing numbers, complexity has increased with the addition of Stormwater, Riverfront Protection Act

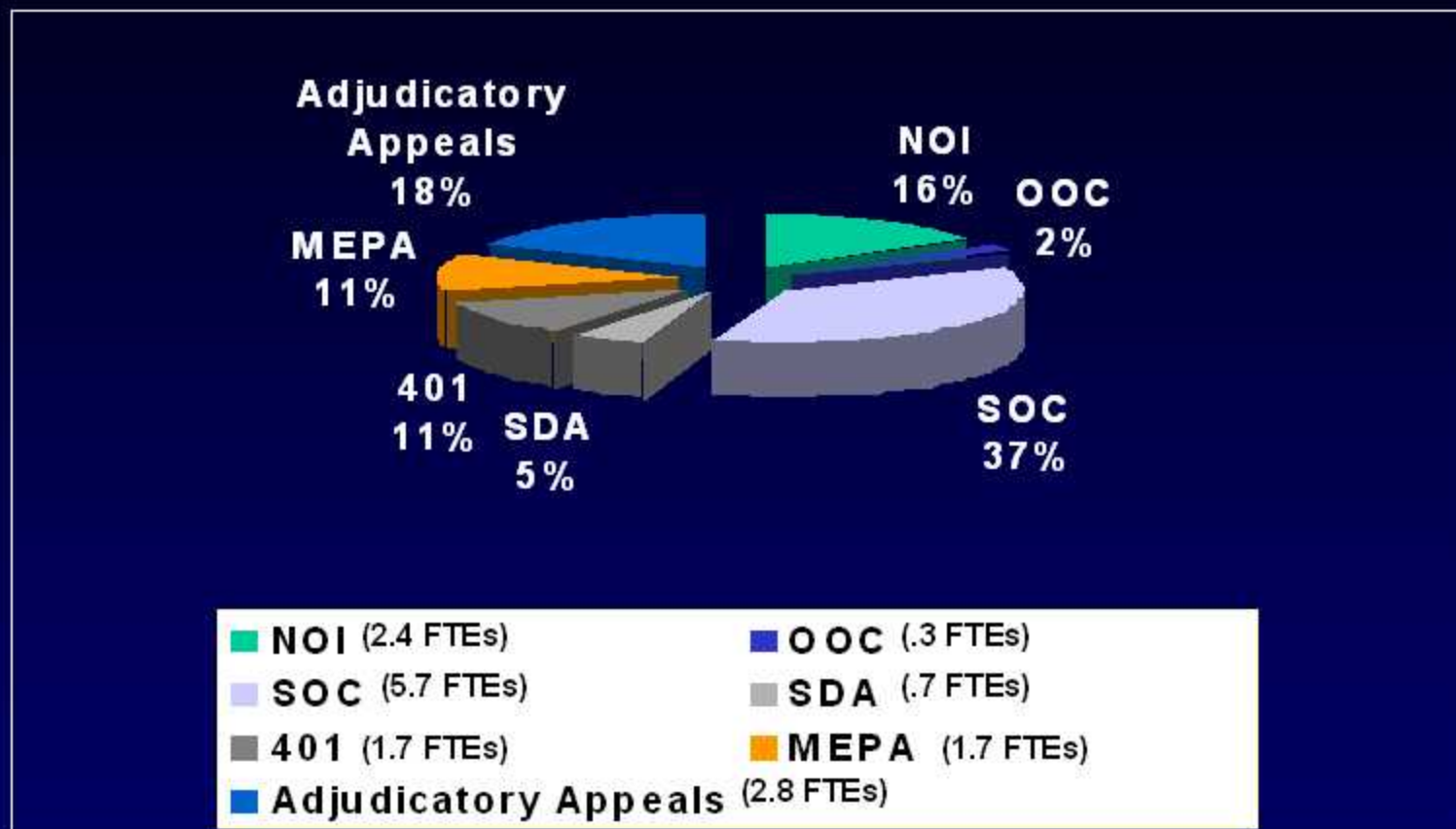
# Current allocation of staff time

Permitting/Appeals	50.1%
Policy/Reg. Development	18.4%
Tech. Asst./Outreach	11.7%
Compliance/Enforcement	9.0%
Monitoring	7.1%
Other	3.7 %





# Permit time breakdown in 2002 (15.3 ftes)\*



*\* Time Spent on Administration & Supervision of SOC's, OOC's, SDA's, 401's, Adjudicatory Appeals & MEPA Reviews have been included in those Activities.*

# Wetlands Redesign

If we are going to

- Increase compliance and enforcement
- Increase support of con coms
- Address largest impact sectors

We will have to

- Decrease substantially time spent on permitting

# Redesign subcommittee

- All options on the table
- Focus on interests not process
- Representative from:
  - Residential builders
  - MACC/Conservation Commission
  - Commercial developers
  - Environmental groups
  - Agriculture
  - Academia
  - Highway



# Three areas selected by group

- Buffer zone cases
  - Significant amount of time
  - Improve consistency and reduce time spent
  - Environmental impact limited for many
  - Goals: Reduce time, maintain/improve environmental protection, create incentives
- Other two areas are:
- Appeals from con coms and DEP
- Commonly litigated issues

# Buffer subcommittee

- Outline of discussions so far
  - General permit
    - No work within wetland resource areas
    - Not within Estimated Habitat of Rare/Endangered Species
    - Accurate delineation of wetland boundary in accordance with regulations (ANORAD encouraged)
    - 50' no disturb zone (some exceptions apply)
    - Permanent markers placed at edge of wetland and 50' from wetland
    - Building envelopes depicting maximum extent of work shown on plan. Adequate setbacks of structures to prevent future encroachment
    - Regular NOI required for infrastructure and stormwater management prior to lot development under General Permit
    - Standard order of conditions, recorded

# Buffer subcommittee

- General Permit Conditions
  - Most General Conditions in present Orders of Conditions apply
  - Requires plan recording
  - Requires placement of temporary and permanent boundary markers
  - Considering hearing, public notice and abutter notice requirements
  - No appeal or appeal limited to eligibility/no ALJ appeal
- Issues still to be addressed
  - Disincentive to future alterations – e.g. temporary time restriction on future activities within inner buffer zone; Minor exempt activities, Restoration projects.



# Buffer Zone General Permit

## How would it work?

- Form filed with Con Com and DEP
  - Eligibility criteria
  - Project information
  - Conditions
- 30 (?) Days after filing becomes effective, UNLESS:
- DEP or Con Com find project ineligible

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# Is there an appeal of Ineligibility Determination?

- Under review:
  - If ineligible then file a NOI (not a final agency action/no appeal); or
  - Limited appeal to DEP on whether project meets eligibility criteria only.

# Schedule on BZGP

- Sept Buffer proposal in draft
- Oct Finalize buffer proposal  
Draft any implementing policies or regs  
Advisory subcommittee meeting on *Halloween*
- Nov Draft regs/policies on buffer
- Feb 04 Final Draft Policies/regs to implement
- Spring 04 New regs final